

REMARKS/ARGUMENTS

Claims 1-24 are pending. No claims are amended, added, canceled, or withdrawn. At least for the reasons discussed below, withdrawal of the outstanding rejections to the pending claims is respectfully requested.

35 USC §102(e) Rejections

Claims 1-24 stand rejected under 35 USC 102(e) as being anticipated by U.S. patent application publication number 2003/0217166 to Dal Canto. However, the Manual of Patent Examining Procedure (M.P.E.P.) states that a claim is anticipated by a reference **only** if each and every element as set forth in the claim can be found in the reference and, furthermore, that the **identical** invention **must** be shown in as complete detail as is contained in the claim.

A claim is anticipated **only** if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. ... The **identical** invention **must** be shown in as complete detail as is contained in the ... claim.

(M.P.E.P. § 2131, subsection titled "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM", emphasis added). Thus, anticipation will not be found when the prior art is lacking or missing a specific feature of the claimed invention. Dal Canto is missing a least one feature recited by each of the independent claims 1, 7, 13 and 19. Reasons why such features are missing from Dal Canto were already discussed in the previous response. Those reasons are not repeated verbatim herein, but instead are incorporated by reference. The Office is urged to reconsider those arguments in view of the following remarks.

Claim 1 recites:

- “**sending a remote application discovery request to a Web service**, the Web service being deployed on a remote applications publication (**RAP**) **Web server** in the Intranet, the remote application discovery request being sent to the Web service by the remote client computer via a public network coupling the remote client computer to the Web server”, and
- “responsive to the sending, **receiving a discovery response from the Web service**, the discovery response identifying at least one application installed on the Intranet **for terminal server (TS) based access** by a user of the remote client computer” (emphasis added).

In addressing the features of claim 1, the Action (section 11) asserts that claim 1 is anticipated by Dal Canto because "the 'terminal server' of the claims does not distinguish over the servers of Dal Canto's system [because] [t]he 'terminal server' of the claims has not been further defined in the claims so as to show how it may be different from Dal Canto's servers." Applicant respectfully submits that when constructing a rejection based on anticipation, the Office must first correctly **identify the elements of the claims** before the corresponding elements can be alleged to be disclosed in the supposedly anticipating reference. Here, the Action has failed to properly identify the elements of claim 1 upon which the Action bases its 35 USC §102(e) rejection. Specifically, claim 1 does not recite "the terminal server", as the Action asserts. Rather, claim 1 recites “the discovery response identifying at least one application installed on the Intranet **for terminal server (TS) based access** by a user of the remote client computer”. Thus, contrary to what is asserted by the Action, Applicant does not need to distinguish “the terminal server” from Dal Canto's servers (i.e., a network

operations Center (NOC) 200 (please see Fig. 1), servers 330, or client computing devices 400) to patently distinguish the features of claim 1 from Dal Canto.

Section 9 of the Action asserts that Dal Canto at paragraphs 40, 41, 43, 47-49 and Fig. 4 item 2000 (request) and items 2020 and 2030 (response), describe “enumerating applications by a remote client computer, the **applications being deployed in an Intranet**, the remote client computer being external to the Intranet” and “sending a **remote application discovery request** to a Web service, the Web service being deployed on a **remote applications publication (RAP) Web server in the Intranet**” (emphasis added). This is prima facie false. The only type of requests described by Dal Canto are connection requests (e.g., paragraph 43), service requests (e.g., paragraph 42) and authentication requests (e.g., paragraph 44), not “a remote application discovery request”, as the claim requires. Specifically, responsive to an authentication request (paragraph 44) from a client device 400, NOC 200 performs authentication operations and returns an authentication response (paragraph 45) to the requesting client device. According to paragraphs 43-45, these authentication requests are essentially connection requests resulting in an initial connection between the client device and the NOC 200. Dal Canto describes that such an established connection may be transferred to a service center 300, as described below. Clearly, an authentication request is not a “remote application discovery request”, as the claim requires.

Fig. 4, items 2020 and 2030 describe operations associated with receiving “a user request for a digital service (e.g., insertion of the smart card in a client device 400 in step 2000” (please see paragraph 59). As shown in Fig. 4, step 2020 authenticates the user upon which step 2030 customizes and displays a meta-desktop to the user. Specifically, at paragraph 46, Dal Canto describes that once

the clients' authentication request has been authenticated, NOC 200 automatically communicates a meta-desktop to the client device. As described in paragraphs 47-49, "[t]he meta-desktop [...] is used to launch the user into a specific service connection [with a] specific service center 300 to receive a particular digital service." Dal Canto describes at paragraphs 48-49 that the content presented by the meta-desktop **is based on a profile of the client stored in a database on the NOC 200**. The meta-desktop provides an opportunity to present **advertising** and **branding** along with user-customizable features, including icons representing various services available to the client device. Dal Canto, in paragraph 49, points out that such an exemplary service represents **a subscribed service**, specifically an exemplary **subscribed Internet telephony service** is described as being presented to a user via the meta-desktop.

In view of the above, Dal Canto fairly describes a system that sends authentication requests, authentication responses, service and connection requests, and presents a meta-desktop to a user illustrating services identified in a database profile, advertising and branding. Clearly, this does not describe "sending a remote application discovery request" and "responsive to the sending" of the "remote application discovery request", "receiving a discovery response from a Web service, the discovery response identifying at least one application installed on the Intranet for terminal server (TS) based access", as claim 1 requires.

Additionally, the above recited feature of claim 1 requires "a remote applications publication (RAP) server **in the Intranet**", "the discovery response identifying at least one application **installed on the Intranet** for terminal server (TS) based access", and "the remote application discovery request being sent to the Web service by the remote client computer **via a public network coupling the**

remote client computer to the Web server” (emphasis added). In contrast to these claimed features, paragraph 30 of Dal Canto describes a system where NOC 200 is connected to service center 300 and clients 400 over **the Internet or a WAN 110**. Although Dal Canto broadens this description by indicating that this architecture can utilize virtually any communications system such as intranet, etc., Dal Canto clearly does not describe each and every element of the claimed invention in as complete detail and as arranged as in the claim.

As a further matter, the Action in section 10 points out that terminal server support applications and/or hardware indicated by the Applicant as being necessarily present to support the claimed feature of "terminal server (TS) based access by user of the remote client computer", as required by claim 1, are not read into the claims. Applicant thanks the Office for this clarification. Applicant presents this argument not to argue the specification, but rather to emphasize that Dal Canto clearly does not describe the claimed "terminal server (TS) based access" of the claimed invention in as complete detail as arranged in the claims to support a 35 USC §102(e) rejection of claim 1. Specifically, Dal Canto's client device 400 may never be able to engage in the claimed "terminal server (TS) based access" because Dal Canto at [0017] expressly discloses a system that "allows delivery of any digital service to a remote location without requiring a local copy of the data, any application, or supportive hardware." Clearly, specific terminal service based application are required to implement "terminal server (TS) based access by user of the remote client computer", as required by claim 1. Thus, Dal Canto does not describe the claimed "terminal server (TS) based access" of the claimed invention in as complete detail as necessary to support a 35 USC §102(e) rejection of claim 1.

For at least the above reasons, withdrawal of the 35 USC §102(e) rejection of claim 1 is requested.

Claims 2-6 depend from claim 1 and are allowable over Dal Canto at least for reasons based on this dependency. Accordingly, withdrawal of the 35 USC §102(e) rejection of claims 2-6 is requested.

Independent claims 7, 13 and 19 include features similar to those of claim 1 and are not anticipated by Dal Canto at least for the reasons discussed above with respect to claim 1. Dependent claims 8-12, 14-18 and 20-24 depend from respective ones of these allowable independent base claims 7, 13 and 19. Accordingly, and at least for reasons based on their respective dependencies, claims 8-12, 14-18 and 20-24 are not anticipated by Dal Canto. Withdrawal of the 35 USC §102(e) rejections of claims 7 through 24 is requested.

Conclusion

Pending claims 1-24 are in condition for allowance in the action to this end is urgently requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of an advisory action.

Respectfully Submitted,

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